

THE AMHERST ALLIANCE
"Voices For Choices"

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Michelle Ellison, Co-Chair
Robert Ratcliffe, Co-Chair
Task Force On Localism
Federal Communications Commission
Washington, D.C. 20554

RE: Hearings To Be Held By The Localism Task Force (FCC Docket RM-10803)

Dear Co-Chair Ellison, Co-Chair Ratcliffe and Other Localism Task Force Members:

I am writing to you on behalf of THE AMHERST ALLIANCE. We are a Net-based, nationwide advocacy group, supporting Low Power Radio in particular and media reform in general. Our Members include licensed Low Power FM broadcasters, aspiring Low Power FM broadcasters, aspiring Low Power AM broadcasters, Part 15 AM broadcasters, Webcasters, Amateur Radio operators, broadcast engineers and concerned citizens.

THE AMHERST ALLIANCE congratulates each and every one of you on your selection to serve on the FCC's new Localism Task Force. If you rise to your potential, there will be no work underway at the FCC that is more important than yours.

A Specific Request

With regard to the imminent Hearings in Charlotte, we have a specific request:

We ask you to invite Christopher Maxwell, Vice President of VIRGINIA CENTER FOR THE PUBLIC PRESS and General Manager of WRIR-LP of Richmond, to represent THE AMHERST ALLIANCE as a panelist. If you cannot grant this request, then we ask you to reserve an opportunity for Mr. Maxwell to speak as a member of the audience.

Mr. Maxwell has distinguished himself as the nation's earliest, and arguably its most visible, opponent of the In Band On Channel (IBOC) version of Digital Radio. Further, he has been a pioneer, within the Richmond area, in the production and presentation of community programming for both a Part 15 AM radio station and a cable network. His new station, WRIR-LP -- Richmond Independent Radio -- has a service area with over 250,000 people: the largest potential audience of any LPFM station in America.

General Procedural Recommendations

In the past, representatives of THE AMHERST ALLIANCE have attended FCC Workshops, as well as Regional Hearings associated with FCC Docket 02-277 and the related Dockets on media ownership ceilings. Mr. Maxwell, as an individual, presented Written Testimony for the February 2003 media ownership Field Hearings in Richmond.

Based on Amherst's experience with these past Workshops and Field Hearings, we have 3 *procedural* recommendations for structuring the coming Hearings by your Task Force. These are our recommendations:

1. *Please allow an opportunity to speak for every member of the public who wishes to do so.* Even if you must limit every participant from the general public to 2 minutes apiece, please allow a "day in court" for every everyday citizen who invests the time and energy to prepare remarks and show up. At the Field Hearings and Workshops which Members of THE AMHERST ALLIANCE have seen, the failure to allow adequate speaking time for members of the general public was a cause of great (and avoidable) frustration for many rank-and-file citizens who had hoped to be heard. In addition, the diversity *and intensity* of the general public's concerns were understated as a result of the insufficiently inclusive opportunities for participation.

As a corollary of this recommendation, we advise the FCC to encourage interested citizens to sign up to speak *in advance* of the Hearings. An equitable balance between inclusiveness and sensible planning could be struck by the right "advance signup" policy.

- (A) When the exact date and location of upcoming Hearings are announced, the same Notice should include one or more people to contact, by telephone and/or E-Mail, in order to sign up in advance for an opportunity to speak.
- (B) The same Notice should also indicate a deadline by which everyday citizens *must* sign up in order to be guaranteed an opportunity to speak. Others could still sign up later -- but late registrants would have to take their chances, knowing they could only speak if time permitted. The "advance signup" deadline should be set no earlier than 3 days before the date of the Hearing itself. A 3-day "buffer" should be enough time for the FCC to process the signups and calculate, in advance of the Hearing, an appropriate time limit for each citizen who speaks.

- (C) It is, hopefully, “needless to say” that the Commission should allow interested parties an adequate amount of time between the date they *receive* notice of signup opportunities and the last date for reserving guaranteed speaking time. As a general standard, we suggest a minimum time spread of at least 2 weeks between the 2 dates.

We recognize that such a time spread will not be feasible in the case of the Charlotte Hearings, which are already only 2 weeks away at the most. However, we still urge you to allow advance signups for the Charlotte Hearings, even if the signup period must be shorter than optimal in this one case.

Under more typical conditions, such as the December Hearings In San Antonio, it should be feasible for the Commission to adopt the recommended time frames.

The Texas Hearings, for example, could be scheduled as follows:

Friday, November 24	Notice of exact date, exact location and “advance signup” opportunities
Monday, December 8	Deadline for reserve speaking time through “advance signup”
Monday, December 15	Hearings in San Antonio

2. *Please reduce the usual ratio of panelist speaking time to general public speaking time.* In past Workshops and Field Hearings, a typical schedule has looked like this:

.5 to 1 hour	Introductory statements by Commissioners, FCC staff, Congressional legislators, etc.
3 to 4 hours	Speaking time reserved for panelists
1 hour	Lunch break
.5 hour	Other breaks
0 to 1.5 hours	Speaking time reserved for citizens

Amherst does not recommend shaving the time for introductory statements or breaks. However, at Hearings which are specifically designed to solicit comments from *the general public*, the amount of speaking time that is reserved for “experts” -- even locally based “experts” -- should not exceed the amount of speaking time that is reserved for everyday citizens. Indeed, if the ratio differs from 50/50, the difference should favor the long-suffering, historically under-represented everyday citizens.

Thus, our recommendation for an equitably balanced schedule looks like this:

.5 to 1 hour	Introductory statements by Commissioners, FCC staff, Congressional legislators, etc.
3 hours	Speaking time reserved for panelists
1 hour	Lunch break
.5 hour	Other breaks
3 hours	Speaking time reserved for citizens

3. *The panelists should be more broadly representative of “expert” opinion.* In past Workshops and Field Hearings, “experts” based in metropolitan Washington, D.C. have tended to be over-represented -- even in regional Hearings. During the FCC’s media ownership Field Hearings in Richmond, Andrew Schwartzman of the Washington-based MEDIA ACCESS PROJECT, speaking as a panelist, noted in his remarks the irony of moving FCC Commissioners and staff 90 miles to the south in order to hear panelists who were mostly based Inside The Beltway.

A much higher percentage of regionally based panelists participated in subsequent media ownership Field Hearings, thanks in large part to the efforts of FCC Commissioners Michael Copps and Jonathan Adelstein. Even during those later Hearings, however, academicians, economists, corporations and *large, well-known* advocacy groups tended to dominate the panels. Smaller and perhaps lower profile organizations, closer to the “grassroots” of America, tended to be ignored or greatly under-represented.

During the 5 years since our founding, THE AMHERST ALLIANCE has formally asked for a chance to participate in panels on 5 different occasions. We asked, in writing, to provide panelists for 2 Workshops in Washington -- as well as for the media ownership Field Hearings in Richmond, Seattle and Raleigh/Durham. *All* 5 of these formal, written requests to participate have been either rejected or ignored completely.

This policy of exclusion from panels has applied not only to Amherst but also to the entire Low Power Radio community in general. As we noted, the Washington-based MEDIA ACCESS PROJECT, which sometimes *represents* a significant *portion* of the Low Power Radio community (along with unrelated media reform groups), has been invited to serve on panels more than once. Yet *no* members of the Low Power Radio community have ever had the opportunity to *speak directly for themselves* as panelists.

Although there are many organizations within the Low Power Radio community, there are really only 2 organizations which combine: (1) a *national* scope with (2) a record of consistent participation in FCC proceedings and other public policy deliberations. These 2 organizations are THE AMHERST ALLIANCE, a national organization which is based Outside The Beltway in New England, and THE PROMETHEUS RADIO PROJECT, a national organization which is based Outside The Beltway in Philadelphia.

THE AMHERST ALLIANCE is primarily oriented toward legislative and regulatory advocacy. It includes Members who would like to air commercials on Low Power Radio stations, if it ever becomes legal to do so, and Members who advocate establishing a Low Power *AM* Radio Service as a supplement and alternative to the current Low Power FM Radio Service. THE PROMETHEUS RADIO PROJECT, although it engages in legislative and regulatory advocacy, is primarily oriented toward providing technical assistance and other practical support to emerging Low Power FM radio stations. Unlike Amherst Members, the Members of Prometheus, and the stations it is willing to assist, are strictly non-commercial in their aspirations.

THE AMHERST ALLIANCE and THE PROMETHEUS RADIO PROJECT encompass between them almost all of the perspectives within the Low Power Radio community. Although we will leave it to Prometheus to make its own request(s) to participate in your Task Force Hearings, we believe that *each* group should be invited to provide a panelist during *at least* 1 of your 6 upcoming Hearings.

To date, as we have noted, *neither* group has had the opportunity to provide a panelist during the FCC's Workshops and Field Hearings.

With the Low Power FM Radio Service constituting the newest and clearest expression of localism in broadcasting at the present time -- and with Amherst's advocacy of a Low Power *AM* Radio Service offering an opportunity to increase the number of locally oriented, community-based Low Power Radio stations by twofold or more -- it is time to end the past policies of *de facto* exclusion for these 2 groups. We hope that you agree.

Inviting Christopher Maxwell to serve on a panel during the Charlotte Hearings, as an eminently knowledgeable and experienced representative of THE AMHERST ALLIANCE, would be an excellent place for the FCC to *start* a process of inclusion for the Low Power Radio community.

Adopting our 3 general procedural recommendations would extend that policy of expanded inclusion to members of the citizenry at large.

Please consider our request and our recommendations. Please open the door to those who now stand outside.

Respectfully,

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